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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,020	12/08/2003	Russell Ozechowski	OZE-0002	8849
23353	7590	03/31/2005	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			SY, MARIANO ONG	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)	
	10/729,020	OZECHOWSKI, RUSSELL	
	Examiner	Art Unit	
	Mariano Sy	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 1 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 2-6, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01112005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election with traverse of Specie A, fig. 1-4, claims 1-15 and 19-21 in the reply filed on February 22, 2005 is acknowledged. The traversal is on the ground(s) that search and examination of all species herein could be made without serious burden. This is not found persuasive because Specie B, fig. 5 the flexible stop has a tapered lower end and a blunt leading face 18' for engaging the rigid stop; Specie C, fig. 6 the flexible stop has a blunt trailing face 17" and a tapered leading face 18" for engaging the rigid stop which are structurally distinct.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Morris (US 4,416,460).

Re-claim 1 Morris disclosed, as shown in fig. 3, a braking apparatus comprising: a first rotating member 8 having at least one rigid stop 26; a plurality of flexible stops 15 which are selectively movable toward said first rotating member to engage said at one rigid stop; and an actuator 14 which is slidable to selectively engage said plurality of

flexible stops and cause said flexible stops to move toward said first rotating member to engage the rigid stop.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris.

Re-claim 7 Morris failed to disclose wherein a ratio of a length of said flexible stops to a height of said rigid stops is about 12 to 1.

It would have been obvious to one of ordinary skill in the art to provide a ratio of a length of said flexible stops to a height of said rigid stops is about 12 to 1 into the braking apparatus of Morris is a matter of design choice depending upon the size and type of application and braking force.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Bauer et al. (US 6,199,442).

Re-claims 8 and 9 Morris disclosed wherein said actuator comprises a sliding member 14 having at least one surface for engaging the flexible stops and moving the flexible stops toward the first rotating member.

However Morris failed to disclose the sliding member having at least one beveled surface for engaging the flexible stops.

Bauer et al. teaches the use of a sliding member 31 having a beveled surface 32.

It would have been obvious to one of ordinary skill in the art to make a change in shape, as taught by Bauer et al., on the basis of its suitability for the intended use as a matter of obvious design choice. In re Dailey, 149 USPQ47 (CCPA 1976).

7. Claims 2-6, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 12-15 and 19-21 are allowed.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

W. Pfleeger	(US 1,303,110)
E.B. Tuppen	(US 1,555,724)
Dalton	(US 3,738,672)
Dobrinska et al.	(US 3,990,541)
Imai	(US 4,804,283)
Feathers	(US 5,287,950)
Mahammed-Fakir et al.	(US 6,394,255)

Art Unit: 3683

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427.


The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

March 22, 2005


3/24/2005
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310